

No. 16-16663

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MANUEL DE JESUS ORTEGA MELENDRES, et al.,
Plaintiffs/Appellees,

UNITED STATES OF AMERICA,
Intervenor-Plaintiff-Appellee,

v.

GERARD A. SHERIDAN and JOSEPH SOUSA,
Defendants/Appellants,

**On Appeal from the United States District Court
for the District of Arizona
2:07-cv-02513-GMS**

MOTION TO DISMISS APPEAL

Stephen M. Dichter, Bar #004043
Christian Dichter & Sluga, P.C.
2700 N. Central Ave., #1200
Phoenix, Arizona 85004
Telephone: (602) 792-1700
Facsimile: (602) 792-1710
sdichter@cdslawfirm.com

Representation of Joseph Sousa has now passed to the undersigned and is now separate and apart from the representation of his former co-Appellant Gerald Sheridan.

Having reviewed the papers and having discussed the matter with counsel for the Plaintiffs and also with the Department of Justice Civil Rights Division, it has been agreed that Mr. Sousa shall dismiss his appeal and that the Appellees shall not seek costs or fees against Mr. Sousa arising from the appeal.

This Motion is made pursuant FRAP 42(b) which permits dismissal of an appeal by motion of the appellant "on terms agreed to by the parties." Plaintiff's counsel has specifically authorized the filing of this Motion.

DATED this 23rd day of May 2017.

CHRISTIAN, DICHTER & SLUGA, P.C.

By: s/ Stephen M. Dichter
Stephen M. Dichter, 004043
sdichter@cdslawfirm.com
CHRISTIAN DICHTER & SLUGA, P.C.
2700 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
Telephone: (602) 792-1700
Facsimile: (602) 792-1710

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing MOTION TO DISMISS APPEAL with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on the 23rd day of May, 2017.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

s/ Stephen M. Dichter
